

JOSEPH RAMSEY ET AL.

JUNE 10, 1842.

Read, and laid upon the table.

Mr. MILTON BROWN, from the Committee on the Judiciary, submitted the following

REPORT:

The Committee on the Judiciary, to whom was referred the petition of Joseph Ramsey and others, submit the following report:

This petition of Joseph Ramsey, and others on his behalf, with the proofs and papers which accompany it, have been referred to this committee. A former committee have made a report against the prayer of the petition, and we are called on to review the correctness of that report. The report is as follows:

"JUNE 23, 1840.

"Mr. Samuels, from the Committee on the Judiciary, to whom were referred the petition of Joseph Ramsey, and the petition of one hundred and eighty-six citizens of Wythe county, Virginia, praying for the relief of Joseph Ramsey, submitted the following report:

"In the month of May, in the year 1779, the Legislature of the State of Virginia enacted a law which provided, among other things, that all general officers of the army, being citizens of the Commonwealth, all field officers, captains, and subalterns, commanding, or who should command, in the battalions of the Commonwealth on continental establishment, or serving in the battalions raised for the immediate defence of the State, or for the defence of the United States, who should serve thenceforward, or from the time of their becoming commissioned until the end of the war, (provided Congress did not make some tantamount provision for them,) should be entitled to half pay during life, to commence from the determination of their command or service.

"By an act of Congress approved July 5, 1832, entitled 'An act to provide for liquidating and paying certain claims of the State of Virginia,' among other things it was enacted that the Secretary of the Treasury of the United States should adjust and settle the claims for half pay of the officers of the Virginia regiments referred to in the said 'act of Assembly,' which had not been paid or prosecuted to judgment against the State of Virginia.

"The petitioner (Joseph Ramsey) was an officer of the rank of lieutenant in the regiment commanded by Colonel Clarke, in the Illinois service, which was one of the regiments embraced by the law. He served therein until the year 1780, when he resigned. This resignation, so made before the end of the war, excluded the petitioner from the benefit of the law.

"It appears from the petition of Ramsey himself, and from copies of depositions taken in the suit hereinafter referred to, that the petitioner was well aware of the nature of the provisions of the law, and of the facts in regard to his own service; yet, with full knowledge of the facts and the law, he permitted Samuel McCamant and John H. Price, as his agents, to assert his claim for half pay at the Treasury of the United States. These agents, by industrious concealment of facts, and by false and fraudulent devices, succeeded in passing the claim at the Treasury of the United States, and drew therefrom the sum of \$7,658 96. Of this amount, they paid over to the petitioner (Ramsey) \$2,540, and retained the residue. A short time after the money was so paid, the facts were brought to the knowledge of the officers of Government, and suit instituted in the district court for the western district of Virginia for the recovery thereof. This suit was so proceeded in, that a decree was rendered in behalf of the United States, against the petitioner, (Joseph Ramsey,) Samuel McCamant, and John H. Price, for the money thus fraudulently withdrawn, with interest and costs.

"From this decree the petitioners pray that Ramsey may be relieved, (except as to the money he actually received,) alleging that he was not guilty of fraud in the transaction, but was deceived by McCamant and Price. It distinctly appears, however, that Ramsey was fully aware of the facts and the law of his claim, and, in the opinion of the committee, must be regarded a party to the fraud, and entitled to no relief; and they report a resolution accordingly.

"*Resolved*, That it is improper and inexpedient to grant the prayer of the petition of Joseph Ramsey, and of one hundred and eighty-six citizens of Wythe county, Virginia, who petition for his relief."

The material facts stated in this report are true; and, with every willingness to relieve a man far advanced in years, who, at an earlier period in his history did service to his country, it is difficult, if not impossible, to perceive any principle on which his release can rest. His own petition admits his resignation before the close of the war, and says that he did not himself think that he was entitled to the benefits of the law in favor of those who did serve to its close. He had been repeatedly informed that he was not entitled to it. Still he entered into an agreement with Price and McCamant, who agreed to prosecute the claim, and divide it with him. Price wrote to Ramsey, April 23, 1836, (see Rep. No. 609, page 47), in which he says: "In order to establish your claim to half pay, it is necessary to prove that you *continued in service in the Virginia State line to the termination of the war.*" He then goes on to tell Ramsey that he *thinks* there are some old men living in the West, by whom this fact can be proved. Now, Ramsey well knew that the fact was *not so*; that, on the contrary, he had *resigned before the close of the war*. He knew, if this proof was obtained, it would be *false*. Why did he not stop Price, by informing him that he could not be accessory to the obtaining of proof which he knew was false?

McCamant also wrote Ramsey a letter on the same subject, dated June

29, 1834, in which he says: "I have just received a letter from Mr. Price, who says that we now have every prospect of gaining your claim for money, as well as the land. This is good news, *but keep it entirely to yourself; and, for God's sake, say nothing to any one about your resignation. A word to the wise, you know, is enough. I have no time to call and see you at this time, but I will see you in a short time.*" Still, with these facts before him, and well knowing that the proof that Price and McCamant were about to obtain was false, he let them go on and get the proof, and afterwards received a part of the money. This act of his, in constituting such agents, and continuing them after he had full evidence of their depravity before him, was the means of wrongfully taking money out of the Treasury, and he ought to put it back. It is no good answer to this to say Ramsey is willing to refund what is actually in his own hands. The joint action of Ramsey, Price, and McCamant, took the money from the Treasury, and their joint responsibility should restore it. The law was decided correctly by the court; and why should Congress disturb the decree?

Some remarks of the judge, in delivering his opinion, have been referred to as furnishing ground for the relief of Ramsey. The suggestions of the judge, prompted by a personal knowledge of Ramsey, and a deep regret at the misfortune in which he was involved, are certainly calculated to mitigate the severity with which strangers might otherwise look at the transaction, but certainly they afford no ground of action for those who are bound, like himself, to act on principles of general application.

The resolution recommended by the committee who made the report above set out is again respectfully recommended for adoption.

